

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGA CARTER,

Plaintiff,

Case No. 1:05-cv-529

v.

Hon. Hugh W. Brenneman, Jr.

CITY OF WYOMING and
JESSE LOPEZ,

Defendants.

ORDER

For the reasons as set forth in the court's opinion,

IT IS HEREBY ORDERED that defendants' motion for summary judgment (docket no. 49) is **DENIED** as to plaintiff's excessive force claims against defendant Jesse Lopez as set forth in Count I.

IT IS FURTHER ORDERED that defendants' motion for summary judgment is **GRANTED** as to plaintiff's excessive force claims against defendant City of Wyoming as set forth in Count I.

IT IS FURTHER ORDERED that defendants' motion for summary judgment is **DENIED** as to plaintiff's state law claims against defendants as set forth in Counts II and III.

Dated: September 19, 2007

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge